

REMARKS

Applicants reply to the Office Action dated July 29, 2008 within the shortened statutory three month period for reply. Claims 1-21 were pending in the application and the Examiner rejects claims 1-21. Applicants add new dependent claim 22. Support for the new claim and the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by the new claim and the amendments. Reconsideration of this application is respectfully requested.

Applicants thank the Examiner for the courtesies extended to Applicants' counsel during the Examiner Interview on September 4, 2008. During the Interview, Applicants' counsel described the proposed amended claims and how the presently claimed invention even further differentiates from the cited reference. Applicant further thanks the Examiner for generally agreeing that the proposed amended claims, set forth herein, appear to overcome the cited reference. Applicants invite the Examiner to contact Applicants' counsel with any additional questions or for further clarification.

Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over Talbert et al., U.S. Patent Publication No. 2004/0078328 ("Talbert"). Applicants respectfully disagree.

Talbert generally discloses a method for facilitating a cashless purchase transaction without the need for interaction with a bank and without the need to obtain a transaction card account. Because the account number is not used, the invention allegedly reduces the type of fraud that is normally associated with charge card transactions. The Talbert system includes an authorization system that is configured to collect and store profile information relating to participating merchants and member consumers. Such profile information includes, for example, merchant identifiers, consumer names, consumer billing addresses, consumer ship-to addresses, social security numbers, fraud indexes, checking account numbers, places of employment, and the like. This profile information is used as a "pre-authorization" record for the consumer, while the consumer's identity is verified based on a username and password combination.

Applicants note that Talbert is specifically directed toward allowing a consumer to facilitate a purchase transaction without requiring the consumer to own or carry a charge card or have a bank account. Therefore, Talbert teaches away from Applicants' presently claimed invention, which requires an account identifier corresponding to a financial account in order to facilitate a purchase

transaction. Furthermore, Talbert would literally destroy Applicants' presently claimed invention because Talbert does not use a card or an account.

Moreover, the authorization request of Talbert is not received by a bank or any other financial institution that pays the merchant on behalf of the consumer. Talbert discloses a mere data center that maintains reputation data that is used in determining whether to trust the consumer to make payment for a purchased item. The consumer of Talbert pays for the purchase directly after being billed from the merchant in the amount of the purchase. This is contrary to the presently claimed invention that discloses that an authorization request is received and processed by a financial institution (e.g., Bank of America, American Express, Visa, MasterCard).

Applicants further note that the "consumer profile" of Talbert includes information that is used to authorize any purchase transaction from a participating merchant. For example, a participating consumer may make a purchase at an office supplies store for a laser printer, proceed to grocery store to purchase ground coffee, and finally purchase a chair from a furniture store. Again, this is contrary to the presently claimed invention, which discloses that a pre-authorization record is designated for a specific purchase. For example, an account holder may request that a pre-authorization record be created based on an anticipated purchase from an office supply store. The pre-authorization record designates the amount of the purchase transaction. Therefore, a particular pre-authorization record may only be used to obtain authorization for the intended purchase, and may not be used to facilitate subsequent purchases outside of the scope of the pre-authorization record. Similarly, while Talbert may disclose authorizing split shipments, Talbert does not disclose or contemplate update a pre-authorization or creating a new pre-authorization in response to the partial shipment determination.

Accordingly, Talbert does not disclose or contemplate at least, "receiving, at a financial account issuer, an initial authorization request, said initial authorization request including transaction information identifying a transaction including merchant information, an account identifier corresponding to a financial account, and a transaction amount", "determining that said transaction amount complies with authorization criteria including a pre-authorized amount in said pre-authorization record, wherein said pre-authorization record corresponds to a predetermined purchase transaction," or "updating said pre-authorization record or creating a new pre-authorization record in response to said transaction involving said partial shipment," as similarly disclosed in each of independent claims 1, 20, and 21.

Regarding dependent claims 2-19, the Examiner asserts that the claims disclose material that "would be a matter of design choice." Applicants respectfully disagree. Applicants assert that claims 2-19 include very specific limitations that have a significant impact on how the invention is implemented. For example, claim 3 discloses "calculating a percentage of said pre-authorized amount that is unused." This has very specific implications relating to determining when a purchase involving multiple partial shipments has been fully fulfilled. All of the remaining dependent claims disclose subject matter relating to the specific processing of transaction information that would be vital to the present invention in enabling multiple transaction account authorizations to be performed, based on a single purchase transaction.

Furthermore, claims 2-19 variously depend from independent claim 1, therefore dependent claims 2-19 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

New claim 22 depends from independent claim 1, therefore new dependent claim 22 is differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of its own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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